

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KENNETH G. KEEL,

Plaintiff,

v.

RICHARD EARLY, et al.,

Defendants.

CASE NO. 1:99-cv-06720-AWI-WMW PC

ORDER FINDING SERVICE OF COMPLAINT  
APPROPRIATE, AND FORWARDING  
SERVICE DOCUMENTS TO PLAINTIFF FOR  
COMPLETION AND RETURN WITHIN  
THIRTY DAYS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Grajeda and Ysalve for violation of the Eighth Amendment.<sup>1</sup> Fed. R. Civ. P. 8(a); Erickson v. Pardus, 127 S.Ct. 2197, 2200 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir. 2008). Accordingly, it is  
HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

GRAJEDA

YSALVA

<sup>1</sup> In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's claims regarding the prison grievance process and retaliation be dismissed. The Court also recommends dismissal of Defendants Early, Torbik, Melching, Brown, Flores, Mekemson, DiGiovanna, Paz-Gelacia, Fields, Edgar, Padilla and Rich.

2. The Clerk of the Court shall send Plaintiff two USM-285 forms, two summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed October 11, 2001.
3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:
  - a. Completed summons;
  - b. One completed USM-285 form for each defendant listed above; and
  - c. Three copies of the endorsed amended complaint filed October 11, 2001.
4. Plaintiff need not attempt service on Defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

**Dated: May 29, 2009**

**/s/ William M. Wunderlich**  
UNITED STATES MAGISTRATE JUDGE